

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF RHODE ISLAND

IN RE:  
Bruno Paliotta and Anna A. Paliotta.

CHAPTER 13  
CASE NO. 09-10919-ANV

CERTIFICATE OF NON-COMPLIANCE

I, Kathryn A. Fyans, Esquire of HARMON LAW OFFICES, P.C., do hereby state as follows:

1. That this office represents DLJ Mortgage Capital, Inc. under a mortgage given by Bruno Paliotta, Anna A. Paliotta, and Giuseppe B. Paliotta securing the real estate at 105 Princess Avenue, Cranston, RI 02920.

2. A Consent Order was filed by GRP Loan, LLC, its successors and/or assigns, on August 7, 2009 with respect its Motion for In Rem Relief from Stay and Motion for Relief from Co-Debtor Stay filed on May 7, 2001.

3. According to said Consent Order, the Motion for In Rem Relief from Stay and Motion for Relief from Co-Debtor Stay were granted and GRP Loan, LLC, its successors and/or assigns would forbear from exercising its rights and remedies under its loan documents so long as the Debtors, Bruno Paliotta and Anna A. Paliotta, made monthly on-going mortgage payments in the amount of \$2,200.00 each, commencing August 1, 2009 and paid the outstanding amended principal balance of the loan on July 1, 2014.

4. The Debtors have defaulted upon the terms of the Consent Order by failing to make the November 2009 to September 2010 payments of \$2,200.00 each.

5. The total default pursuant to the terms of the Consent Order is \$22,232.74.

6. On August 30, 2010, a 10-day Notice of Default was sent to Giuseppe B. Paliotta, Bruno Paliotta, and Anna A. Paliotta and their counsel, John B. Ennis, advising of the default. To date, the default has not been cured.

7. DLJ Mortgage Capital, Inc. requests that the automatic stay be hereby terminated by the filing of this Certificate and Relief from the Automatic Stay be granted by the Court to allow DLJ Mortgage Capital, Inc. to foreclose pursuant to the terms of said Consent Order.

Respectfully submitted,

DLJ Mortgage Capital, Inc.  
By its Attorney

/s/ Kathryn A. Fyans

Kathryn A Fyans, Esquire  
RI# 7360  
HARMON LAW OFFICES, P.C.  
P.O. Box 610345  
Newton Highlands, MA 02461-0345  
781-292-3900  
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Dated: September 24 , 2010

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF RHODE ISLAND

IN RE:

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CHAPTER 13

CASE NO. 09-10919-ANV

CERTIFICATE OF SERVICE

I, Kathryn A Fyans, Esquire, state that on September 24 , 2010, I electronically filed the foregoing Certificate of Non-Compliance with the United States Bankruptcy Court for the District of Rhode Island using the CM/ECF System. I served the foregoing document on the following CM/ECF participants:

Gary L. Donahue, Esquire Assistant U.S. Trustee  
John Boyajian, Esquire Chapter 13 Trustee  
Thomas E. Carlotto, Esquire for GRP Loan, LLC  
Lisa A. Geremia, Esquire for Greenwood Credit Union  
John B. Ennis, Esquire for the Debtors

I certify that I have mailed by first class mail, postage prepaid the documents electronically filed with the Court on the following non CM/ECF participants:

/s/ Kathryn A. Fyans

Kathryn A Fyans, Esquire

RI# 7360

Giuseppe B. Paliotta  
105 Princess Avenue  
Cranston, RI 02920

Bruno Paliotta  
105 Princess Avenue  
Cranston, RI 02920

Anna A. Paliotta  
105 Princess Avenue  
Cranston, RI 02920

GRP Finanical Services Corporation  
445 Hamilton Avenue  
8th Floor  
White Plains, NY 10601

Recovery Management Systems Corp.  
25 S.E. 2nd Avenue, Suite 1120  
Miami, FL 33131

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